U.S. DISTRICT COURT

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT TEXAS-EASTERN

I	or the
Eastern Di	strict of Texas
Audible Magic Corporation (Counterclaim Plaintiff) Plaintiff V. Blue SPike LLC, Blue Spike Inc., Scott A. Moskowitz Defendant)) Civil Action No. 6:12-cv-499)
WAIVER OF THE SERVICE OF SUMMONS	
To: Alyssa Caridis (Name of the plaintiff's attorney or unrepresented plaintiff)	go
I have received your request to waive service of a two copies of this waiver form, and a prepaid means of ret	summons in this action along with a copy of the complaint, turning one signed copy of the form to you.
I, or the entity I represent, agree to save the expen	se of serving a summons and complaint in this case.
I understand that I, or the entity I represent, wi jurisdiction, and the venue of the action, but that I waive a	ill keep all defenses or objections to the lawsuit, the court's any objections to the absence of a summons or of service.
I also understand that I, or the entity I represent, n 60 days from 07/22/2013, the date w United States). If I fail to do so, a default judgment will b	nust file and serve an answer or a motion under Rule 12 within then this request was sent (or 90 days if it was sent outside the entered against me or the entity I represent.
Date: 7/25/2013 BLUE SPIKE MIC. & SLOTT MUSKOWTE	Signature of the attorney or unrepresented party
Printed name of party waiving service of summons	CHRISTOPHER TONEA Printed name
	218 N. Consort Ave, Tyler TX Address Chonea & ghiplaw. com Email address
	Chonea & ghiplan. com
	415-785-3762
	Telephone number
Duty to Avoid Unnecessary	Evnances of Carving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.